

REMARKS/ARGUMENTS

Claims 1-247 are pending. Applicants were pleased to note that the Examiner has allowed claims 3-56, 58, 59, 61-63, 66-68, 70-239 and 242-247.

The Examiner has rejected claims 1, 2, 57, 60, 64, 65, 69 and 241 under 35 U.S.C. § 102(b) over Fox et al. (U.S. Patent No. 5,246,924). The '924 patent describes the use of 1-(2'-deoxy-2'-fluoro- β -D-arabinofuranosyl)-5-ethyluracil in the treatment of hepatitis viral infections. This compound does not anticipate claim 1, or dependent claims 57, 60 and 241 because the '924 patent describes a nucleoside compound with a *pyrimidine* base, namely 5-ethyluracil. In contrast, claim 1 recites a 2'-fluoro- β -D-nucleoside wherein the base is a *purine* base. The '924 patent does not disclose a purine base substituted on the sugar ring. The '924 patent is specifically directed to the use of a uracil analog for the treatment of hepatitis. The pending claims are not anticipated by this reference.

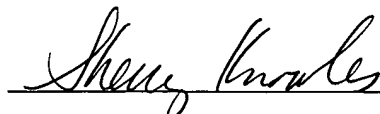
The compounds and methods described in the '924 patent also do not anticipate claim 2 and dependent claims 60, 64, 65, 69 and 241. The patent describes a 2'-*arabino*-substituted furanosyl nucleoside. In contrast, pending claim 2 recites a compound that is a 2'-*ribo*furanosyl substituted nucleoside, i.e. where the C2' substituent is in the opposite configuration. The sugar ring of the claimed D-nucleoside compounds is a different structure from that disclosed in the '924 patent and the methods claimed in claims 1 and 2 and the dependent claims are not anticipated by the '924 patent.

The Examiner has objected to claim 240 as depending on a rejected claim. Applicants traverse this objection for the reasons described above.

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Amdt. dated February 3, 2004
Reply to Office Actions of January 27, 2004 and January 30, 2004

Applicants authorize the Commissioner to charge Deposit Account No. 11-0980 for any fees associated with submission of the Amendment. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

A handwritten signature in cursive script, reading "Sherry Knowles", written over a horizontal line.

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